

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES**

**CHAPTER 94: NUISANCES**

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**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / GENERAL PROVISIONS**

***GENERAL PROVISIONS***

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / GENERAL PROVISIONS / § 94.01 APPLICATION.**

**§ 94.01 APPLICATION.**

The provisions of this chapter shall be enforceable within the municipality concurrently with state and federal laws relative to sanitation and health and the ordinance or orders of the county health district relative thereto, and shall not be construed as modifying, repealing, limiting or affecting in any manner such laws, ordinances, or orders.

(1974 Code, § 94.01)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / GENERAL PROVISIONS / § 94.02 KEEPING ANIMALS.**

**§ 94.02 KEEPING ANIMALS.**

(A) No person shall keep any pig, horse, cow, goat, 3 or more dogs at least 3 months of age, or any other animal or animals or any fowl or poultry in any pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house, other than the house of the owner of such animal or animals, fowl or poultry.

(B) The owner or keeper of any such animal or animals, fowl, or poultry shall keep the pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(1974 Code, § 94.24) Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / GENERAL PROVISIONS / § 94.03 DISCARDING LITTER PROHIBITED.**

**§ 94.03 DISCARDING LITTER PROHIBITED.**

(A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him or her, or in or on waters of the state, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive.

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.

(3) The person is issued a permit or license covering the litter pursuant to R.C. Chapter 3734 or 6111.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him or her, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom he or she reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.

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(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(C) (1) As used in division (B)(1) of this section, **PUBLIC PROPERTY** includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in division (B)(4) of this section, **CASUAL PASSERBY** means a person who does not have depositing litter in a litter receptacle as his or her primary reason for traveling to or by the property on which the litter receptacle is located.

(D) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DEPOSIT.** To throw, drop, discard, or place.

**LITTER.** Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

**LITTER RECEPTACLE.** A dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(E) This section may be enforced by any sheriff, deputy sheriff, police officer of the municipality, police constable or officer of a township or township police district, wildlife officer, park officer, forest officer, preserve officer, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within his or her jurisdiction.

(R.C. § 3767.32)

(F) Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the state.

(R.C. § 3767.99(C)) (1974 Code, § 94.26)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / GENERAL PROVISIONS / § 94.04 ABANDONED REFRIGERATOR.**

**§ 94.04 ABANDONED REFRIGERATOR.**

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(A) No person shall abandon, discard, or knowingly permit to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse official or repair technician.

(R.C. § 3767.29)

(B) Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

(R.C. § 3767.99(B)) (1974 Code, § 135.03)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / GENERAL PROVISIONS / § 94.05 TRADE OR BUSINESS CAUSING NUISANCE.**

**§ 94.05 TRADE OR BUSINESS CAUSING NUISANCE.**

No person shall erect, continue, use, or maintain a building, structure, or place for the exercise of a trade, employment, or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public. No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream, or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(1974 Code, § 94.27) Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / GENERAL PROVISIONS / § 94.06 LOUD AMPLIFICATION SYSTEMS PROHIBITED.**

**§ 94.06 LOUD AMPLIFICATION SYSTEMS PROHIBITED.**

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(A) No person operating, possessing, or occupying a motor vehicle within the city shall operate, cause to be operated, or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

(B) ***SOUND AMPLIFICATION SYSTEM*** means any radio, tape player, cassette player, compact disc player, loudspeaker, or any other electronic device used for the amplification of musical instruments, sound effects, or the human voice.

(C) ***PLAINLY AUDIBLE*** means any sound produced by a sound amplification system which can be clearly heard by a person with normal hearing ability so as to enable the hearer to know that sound is being produced, including bass reverberations. Words or phrases need not be so distinct or clear that they can be understood, only heard. Measurements standards shall be the auditory senses, based upon direct line of sight.

(D) The following uses and activities shall be exempt:

(1) The system is being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(2) The vehicle is an emergency or public safety vehicle;

(3) The vehicle is owned or operated by the city or a gas, electric, communications, or refuse company;

(4) The vehicle was used in an authorized public activity such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the city authorized to grant such approval.

(E) Whoever violates this section is guilty of a minor misdemeanor.

(1974 Code, § 139.09) (Ord. 28-99, passed 12-6-1999) Penalty, see § 130.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / UNCLEAN HABITATIONS**

***UNCLEAN HABITATIONS***

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / UNCLEAN HABITATIONS / § 94.20 POSTING NOTICE OF VACATION.**

**§ 94.20 POSTING NOTICE OF VACATION.**

Whenever such procedure, in the opinion of the City Manager, is desirable or necessary, the City Manager or his or her designee, may affix conspicuously on the buildings or part thereof the notice or order of vacation.

(1974 Code, § 94.02) (Ord. 8-97, passed 2-18-1997)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / UNCLEAN HABITATIONS / § 94.21 ENFORCEMENT OF VACATION ORDER BY POLICE CHIEF.**

**§ 94.21 ENFORCEMENT OF VACATION ORDER BY POLICE CHIEF.**

When the notice or order of vacation has not been complied with, and the City Manager or his or her designee certifies such fact to the Police Chief of the municipality, together with a copy of the order or notice, it shall be the duty of said Police Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of such notice or order.

(1974 Code, § 94.03) (Ord. 8-97, passed 2-18-1997)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / UNCLEAN HABITATIONS / § 94.22 ENFORCEMENT THROUGH COURT PROCEEDINGS.**

**§ 94.22 ENFORCEMENT THROUGH COURT PROCEEDINGS.**

Whenever the City Manager shall certify to the Solicitor any failure to comply with any order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the Solicitor shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of such order or notice and the abatement of the nuisance against which such order or notice was directed; such suits or proceedings are to be brought in the name of the municipality. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this code or any other criminal law or ordinance in force within the municipality.

(1974 Code, § 94.04) (Ord. 8-97, passed 2-18-1997)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / UNCLEAN HABITATIONS / § 94.23 CLEANLINESS; HOTELS, LODGING HOUSES, ETC.**

**§ 94.23 CLEANLINESS; HOTELS, LODGING HOUSES, ETC.**

Every owner of, and every agent in charge of, a tenement house, lodging house, tourist home, tourist cabin or hotel, or part thereof, shall cause to be kept thoroughly clean all parts of the premises not within the occupied apartments. No person shall place filth, urine, or fecal matter in any place other than provided for the same, or keep filth, urine, or fecal matter in his or her apartments or upon his or her premises such length of time as to create a nuisance, and every tenant shall keep his or her apartment in clean and sanitary condition. The walls of courts and shafts, unless built in a light color brick or stone, shall be thoroughly whitewashed or painted a light color and shall be so maintained. Such whitewash or paint shall be renewed as required by the Board of Health.

(1974 Code, § 94.05) Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / DEMOLITION**

***DEMOLITION***

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / DEMOLITION / § 94.29 DEMOLITION PERMIT.**

**§ 94.29 DEMOLITION PERMIT.**

This section shall explain the procedure, process, and requirements to obtain a demolition permit within the city.

(A) The City Manager is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this section.

(B) Demolitions within the Old Tippecanoe City Restoration and Architectural District requires an approved certificate of appropriateness. Said certificate of appropriateness shall be issued in compliance with § 154.052(L) prior to the commencement of any demolition



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within the Old Tippecanoe City Restoration District for which a demolition permit issued in accordance with this section is still necessary.

(C) *Demolition permit required.* A demolition permit issued by the City Manager's office shall be required for every demolition of any structure in excess of 200 square feet in area. Every application for a demolition permit shall include reasons for demolition, a site plan, written narrative, and such other documentation as may be necessary.

(1) *Site plan.* Shall contain at minimum:

(a) The location of all structures on the lot, with the structures' dimensions, including height.

(b) Property boundaries and dimensions, including distances to the structure to be demolished.

(c) Streets, alleys or other man-made or natural features.

(d) Location of proposed dumpsters, if used.

(e) Location of all utilities.

(2) *Narrative.* The narrative shall detail the justification for the requested demolition permit including but not limited to:

(a) A plan for clean-up and restoration of the site after the removal of the structure, including but not limited to grading, seeding and mulching;

(b) Disposition of utilities;

(c) Evidence that all taxes and utility bills are paid in full;

(d) Time frame for clean-up and removal of demolition debris, including footers and slabs;

(e) Necessary backfilling;

(f) Plan to secure demolition site noting what safety precautions will be taken (i.e. fencing, filling basements and the like);

(g) Clean-up and debris removal, noting where construction and demolition debris is being disposed of; and

(h) Any other information that, in the judgment of the City Manager, may be necessary to completely explain the proposed demolition.

(3) *License.* The applicant shall execute a license provided by the city,

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granting to the city the right to enter the property. The license shall permit the city to correct or eliminate any unsafe condition or conditions at the demolition site before, during and after the demolition. The license granted by the applicant shall further provide that the city shall have the sole right to determine if a condition or conditions are unsafe. The license shall further include an agreement providing that the applicant shall indemnify the city for its cost to correct or eliminate the unsafe condition or conditions. The agreement shall provide that the indemnification may be from the contractor maintenance deposit or by any another manner allowed by law, as determined by the City Manager.

(4) *Other approvals.* Other regulatory agency approvals which are necessary, prior to the issuance of a demolition permit by the City (i.e. OEPA, Regional Air Pollution Control Authority, Department of Health, and the like).

(5) *Contractor's maintenance fee.* The applicant shall post a contractor's maintenance fee (administrative regulation) to cover any necessary street cleaning or other damage that may result from the demolition, debris removal and restoration. Any unused balance shall be refunded upon successful completion of the demolition after any reductions authorized herein, if any.

(a) Street closure permit request, if necessary.

(b) Dumpster permit request, if dumpster is to be placed within the public right-of- way.

(c) Each property owner or authorized agent shall be required to attest to the correctness of the statements and items furnished with the application.

(d) *Permit expiration.* Any demolition permit issued under this section shall expire 30 days from the date of issuance if the demolition has not commenced.

(6) *Fee.* The demolition permit fee and any other related fees as determined by City Council are posted in a fee schedule available through the Community and Economic Development Department. All fees are payable upon receipt of the demolition permit.

(Ord. 13-06, passed 4-3-2006)

## **TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES**

### ***CLEANING PREMISES***

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES / § 94.40 ORDER TO CLEAN PREMISES.**

**§ 94.40 ORDER TO CLEAN PREMISES.**

Prior to May 10 in every year, the Mayor or other chief administrative officer shall cause a notice or proclamation to be inserted in 1 or more newspapers of general circulation within the municipality, ordering persons to clean thoroughly and provide proper drainage for all lands, yards, vaults, cesspools, sheds and barns and to cause all tin cans, trash and other unclean and unsightly matter to be removed therefrom on or before May 10.

(1974 Code, § 94.10)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES / § 94.41 SANITARY INSPECTION.**

**§ 94.41 SANITARY INSPECTION.**

In the month of May of each year the Police Chief shall make a thorough sanitary inspection of all public and private property in the municipality and shall transmit his or her report, together with his or her recommendations, to the Council on or before the first day of June. A copy of such report shall also be sent to the County Health Department.

(1974 Code, § 94.11) (Ord. 8-97, passed 2-18-1997)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES / § 94.42 INDIVIDUAL ORDERS FOR ABATEMENT.**

**§ 94.42 INDIVIDUAL ORDERS FOR ABATEMENT.**

If, upon conviction, it is found that the published order has not been complied with as to any lot or parcel of ground, Council shall by resolution direct the owner, occupant or person in charge of the land within 10 days to abate said nuisance, setting forth the nature of the violation and the acts required to be done. The resolution shall provide that, upon failure or refusal to comply with the order, the work required will be done by the municipality, with the amount expended thereof to be a valid claim against such owner or occupant and charged as a lien upon

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said land and recovered by the municipality by suit in a court of competent jurisdiction.

(1974 Code, § 94.12)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES / § 94.43 COPY OF RESOLUTION TO BE SERVED OR PUBLISHED.**

**§ 94.43 COPY OF RESOLUTION TO BE SERVED OR PUBLISHED.**

A copy of the resolution adopted under § 94.42 herein, may be served personally or at the usual place of residence of such owner, occupant or person in charge of such land or by registered mail; or in lieu of such service, may be published for 2 consecutive weeks in a newspaper of general circulation in the municipality.

(1974 Code, § 94.13)

***Statutory reference:***

*Powers of city to fill lots and remove obstructions, see R.C. § 715.47*

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES / § 94.44 UNCLEAN PREMISES PROHIBITED.**

**§ 94.44 UNCLEAN PREMISES PROHIBITED.**

(A) No owner, occupant or person in charge of any lot or parcel of ground shall cause or permit water to accumulate thereon and become stagnant, or permit culverts, drains or natural watercourses thereon to become obstructed, or cause or permit any putrid or unsanitary substance to accumulate thereon.

(B) No owner, occupant or person in charge of any lot or parcel of ground shall cause or permit to accumulate on the exterior of the premises anything of an unsanitary or unsightly nature which creates a public nuisance, including, but not limited to the following:

(1) Litter, debris, rubbish, garbage, and other similar articles or materials which are patently unsightly and offensive to the senses;

(2) Junk motor vehicles and parts thereof including tires, wheels, batteries, radiators, hoods, doors and fenders;

(3) Broken, dilapidated or discarded furniture, mattresses, appliances, fixtures

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or other household furnishings;

(4) Tree and bush trimmings, decayed wood, building materials not in use and yard waste, excepting properly maintained compost piles or bins located in a rear yard.

(C) No owner, occupant or person in charge of any lot or parcel of ground shall cause, or permit a structure to be maintained in a condition which creates a fire, safety or health hazard or which by a lack of maintenance, creates a public nuisance, including, but not limited to the following:

(1) Broken or dilapidated gutters, awnings, windows, fences, walls, foundations, roof or other structures;

(2) Missing parts of walls, siding, facia, roofs, decks or other structural elements.

(3) Peeling paint or other deteriorated treatment of exterior elements of structures.

(1974 Code, § 94.14) (Ord. 8-97, passed 2-18-1997)

Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES / § 94.45 PERIODIC INSPECTION.**

**§ 94.45 PERIODIC INSPECTION.**

Independent of the annual clean-up and inspection provided for in §§ 94.40 and 94.41 herein, the City Manager or his or her designee shall make periodic inspection of properties within the municipality and shall order all uncorrected violations of § 94.44 to be abated. In the event that the enforcement of the City Manager's order to abate these violations would necessitate the use of the equitable powers of the Common Pleas Court of Miami County, Ohio, the City Manager shall report such uncorrected violations to the Council which shall, by resolution, approve the enforcement action to be taken.

(1974 Code, § 94.15) (Ord. 8-97, passed 2-18-1997)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CLEANING PREMISES / § 94.46 ENFORCEMENT; COURT PROCEEDINGS.**

**§ 94.46 ENFORCEMENT; COURT PROCEEDINGS.**

In case of failure or refusal to comply with any such resolution of Council, the work required thereby may be done at the expense of the corporation and the amount of money expended therefor shall be a valid claim against said owner, occupant or person in charge and a lien upon such land which may be enforced by suit in any court of competent jurisdiction. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment for violation of any section of this code or any other criminal law or ordinance in force within the municipality.

(1974 Code, § 94.16)

*Powers of city to fill lots and remove obstructions, see R.C. § 715.47*

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CUTTING GRASS AND WEEDS**

***CUTTING GRASS AND WEEDS***

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CUTTING GRASS AND WEEDS / § 94.60 KEEPING DOWN GRASS AND WEEDS.**

**§ 94.60 KEEPING DOWN GRASS AND WEEDS.**

Any person owning or having charge of land within the municipality shall keep the property free and clear of all grass overgrowth, noxious weeds and rank vegetation, and shall be required to cut all grass, weeds and rank vegetation on the land owned or controlled by him or her at least 6 times in every year; once between April 1 and May 1; once between May 1 and June 1; once between June 1 and July 1; once between July 1 and August 1; once between August 1 and September 1; and once between September 1 and October 1. In no case shall the person having charge of said lands allow grass and weeds to exceed a height of 10 inches. For the purposes of this regulation, grass overgrowth shall be defined as grassy vegetation exceeding 10 inches in height, excepting cultivated ornamental grasses in garden areas and cultivated agricultural crops in farm fields. Grass and weeds in uncultivated gardens or fallow fields shall not be excepted.

(1974 Code, § 94.17) (Ord. 39-73, passed 10-1-1973; Am. Ord. 14-81, passed 5-4-1981; Am.

Ord. 21-91, passed 5-20-1991; Am. Ord. 13-00, passed 5-15-2000)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CUTTING GRASS AND WEEDS / § 94.61 NOTICE TO CUT GRASS AND NOXIOUS WEEDS; SERVICE.**

**§ 94.61 NOTICE TO CUT GRASS AND NOXIOUS WEEDS; SERVICE.**

The City Manager shall, annually, cause a notice to be published in a newspaper of general circulation within the city, stating that grass overgrowth and noxious weeds growing on lands within the limits of the city and within 200 feet of residential property or public right-of-way shall be cut periodically. The notice shall not be required to describe the lands or to specify the name of the owner of the property; however, the notice shall constitute notice to any owner, lessee, agent, or tenant having charge of any land on which grass overgrowth and noxious weeds are grown that the grass and weeds must be cut and destroyed within 15 days after the publication. Notice shall be published 1 time in order to constitute notice hereunder.

(1974 Code, § 94.18) (Ord. 14-81, passed 5-4-1981; Am. Ord. 13-00, passed 5-15-2000)

***Statutory reference:***

*Notice to owner to cut noxious weeds, see R.C. § 731.51*

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CUTTING GRASS AND WEEDS / § 94.62 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.**

**§ 94.62 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.**

When any person, being the owner, lessee, agent, or tenant having charge of the lands mentioned in § 94.60, fails to comply with the notice set forth in the publication, the City Manager shall cause the grass overgrowth and noxious weeds to be cut and destroyed and may employ the necessary labor to perform the task. All expense incurred shall, when approved by the City Manager, be paid out of any money in the city treasury not otherwise appropriated. (R.C. § 731.53) (1974 Code, § 94.19) (Ord. 14-81, passed 5-4-1981; Am. Ord. 13-00, passed 5-15-2000)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CUTTING**

**GRASS AND WEEDS / § 94.63 REIMBURSEMENT PROCEDURE.**

**§ 94.63 REIMBURSEMENT PROCEDURE.**

Charges for city action to cut grass overgrowth and weeds in accordance with § 94.62 shall be invoiced to the property owner of record. The City Manager shall make a written return to the County Auditor with a statement of the charges that remain unpaid for over 30 days for services in cutting the grass overgrowth and weeds, together with a proper description of the premises. The amounts shall be entered on the tax duplicate, shall constitute a lien on the lands from the date of the entry, and shall be collected as other taxes and returned to the city with the general fund.

(1974 Code, § 94.20) (Ord. 14-81, passed 5-4-1981; Am. Ord. 13-00, passed 5-15-2000)

***Statutory reference:***

*Written return to the County Auditor, see R.C. § 731.54*

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CUTTING GRASS AND WEEDS / § 94.64 ENFORCEMENT; COURT PROCEEDINGS.**

**§ 94.64 ENFORCEMENT; COURT PROCEEDINGS.**

Failure to keep down grass and weeds as required by § 94.60 shall be punishable as provided in § 94.99. A misdemeanor citation may be issued by any police officer without previous notice other than as specified in § 94.61. Proceedings under § 94.62 or § 94.63 shall not relieve any party from criminal prosecution or punishment for violation of this subchapter.

(1974 Code, § 94.21) (Ord. 13-00, passed 5-15-2000)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / CUTTING GRASS AND WEEDS / § 94.99 PENALTY.**

**§ 94.99 PENALTY.**

(A) Except as otherwise provided in the individual sections, whoever violates any



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provisions of this chapter, and who has not previously been convicted of a violation of this chapter is guilty of a minor misdemeanor, as defined in §§ 130.03 and 130.99 of the Tipp City Code of Ordinances.

(B) Any person who has been previously convicted of a violation of any provision of this chapter is guilty of the following level of offense as defined in §§ 130.03 and 130.99 of the Tipp City Code of Ordinances:

- (1) One previous conviction - fourth degree misdemeanor.
- (2) Two previous convictions - third degree misdemeanor.
- (3) Three previous convictions - second degree misdemeanor.
- (4) Four or more previous convictions - first degree misdemeanor.

(1974 Code, § 94.99) (Ord. 8-97, passed 2-18-1997)